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PROTECTION OF THE ENVIRONMENT IN TIMES OF ARMED CONFLICT

Report of the Sixth Committee

Rapporteur: Mr. Wael Kamal ABOULMAGD (Egypt)

I. INTRODUCTION

1. The item entitled "Protection of the environment in times of armed conflict" was included in the provisional agenda of the forty-seventh session of the General Assembly, pursuant to subparagraph (c) of Assembly decision 46/417 of 9 December 1991.

2. At its 3rd plenary meeting, on 18 September 1992, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it a report of the Secretary-General (A/47/328), submitted pursuant to subparagraph (b) of General Assembly decision 46/417.

4. A letter dated 28 September 1992 from the Permanent Missions of the Hashemite Kingdom of Jordan and the United States of America to the United Nations addressed to the Chairman of the Sixth Committee (A/C.6/47/3) was also circulated under the item.

5. The Sixth Committee considered the item at its 8th, 9th and 19th meetings, on 1, 6 and 23 October 1992. The summary records of those meetings (A/C.6/47/SR.8, 9 and 19) contain the views of the representatives who spoke during the consideration of the item.

II. CONSIDERATION OF PROPOSALS

6. The Committee had before it a draft resolution (A/C.6/47/L.2) sponsored by Cyprus, Jordan, Lebanon, Morocco, the United States of America and Yemen, later joined by Benin, Bangladesh, Croatia and the Republic of Korea, which read as follows:

"The General Assembly,

"Recognizing that the use of certain means and methods of warfare may have dire effects on the environment,

"Recognizing also the importance of the provisions of international law applicable to the protection of the environment in times of armed conflict and, in particular, the rules of universal applicability laid down in the Hague Convention respecting the Laws and Customs of War on Land, of 18 October 1907, with the Regulations annexed thereto 1/ and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 2/ and the rules binding on States parties to the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 1977, 3/ and to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques of 1977, 4/

"Expressing its deep concern over environmental damage and depletion of natural resources, including the destruction of hundreds of oil-well heads and the release and waste of crude oil into the sea, during recent conflicts,

"Noting that existing provisions of international law prohibited such acts,

"Concerned that the provisions of international law prohibiting such acts may not be well known,

"Expressing the view that the natural environment as such should not be a legitimate military objective and may not be directly attacked,

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"1/ See Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915).

"2/ United Nations, Treaty Series, vol. 75, No. 973.

"3/ Ibid., vol. 1125, No. 17512.

"4/ Ibid., vol. 1108, No. 17119.

"Expressing its appreciation for the report of the Secretary-General issued pursuant to decision 46/417, 5/

"Stressing that wanton destruction of the environment with no legitimate military objective is clearly contrary to existing international law,

"Regretting that during periods of armed conflict there is inevitably some collateral damage to the environment, just as there is inevitably some collateral damage to civilian objects and collateral injury and death to civilians during armed conflict,

"1. Urges States to take all measures to ensure compliance with the existing international law applicable to the protection of the environment in times of armed conflict;

"2. Appeals to all States that have not yet done so to consider becoming party to the relevant international conventions;

"3. Further urges States to take steps to incorporate the provisions of international law applicable to the protection of the environment into their military manuals and to ensure that they are effectively disseminated."

7. At the 19th meeting, on 23 October 1992, the representative of Jordan introduced a revised draft resolution (A/C.6/47/L.2/Rev.1) sponsored by Australia, Bangladesh, Benin, Croatia, Cyprus, Czechoslovakia, Denmark, Finland, Greece, Hungary, Ireland, Jordan, Lebanon, Morocco, the Netherlands, New Zealand, Norway, Poland, the Republic of Korea, Romania, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and Yemen, later joined by Armenia, Austria, Belgium, Bulgaria, Chile, the Philippines and the Russian Federation.

8. At the same meeting, the Committee adopted draft resolution A/C.6/47/L.2/Rev.1 without a vote (see para. 10).

9. Statements in explanation of position were made by the representatives of Canada, Argentina, France, India, Belarus and Malaysia.

"5/ A/47/328.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Protection of the environment in times of armed conflict

The General Assembly,

Recognizing that the use of certain means and methods of warfare may have dire effects on the environment,

Recognizing also the importance of the provisions of international law applicable to the protection of the environment in times of armed conflict and, in particular, both the rules of universal applicability laid down in the Hague Convention respecting the Laws and Customs of War on Land, of 18 October 1907, with the Regulations annexed thereto, 1/ and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 2/ and the applicable rules of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 1977, 3/ and of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, of 1977, 4/

Expressing its deep concern about environmental damage and depletion of natural resources, including the destruction of hundreds of oil-well heads and the release and waste of crude oil into the sea, during recent conflicts,

Noting that existing provisions of international law prohibit such acts,

Stressing that destruction of the environment, not justified by military necessity and carried out wantonly, is clearly contrary to existing international law,

Concerned that the provisions of international law prohibiting such acts may not be widely disseminated and applied,

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1/ See Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915).

2/ United Nations, Treaty Series, vol. 75, No. 973.

3/ Ibid., vol. 1125, No. 17512.

4/ Ibid., vol. 1108, No. 17119.

Noting the work on environmental protection carried out within the United Nations system, and at other meetings and symposia on the subject,

Noting also the final declaration of the Second Review Conference of the parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques,

Recalling the Rio Declaration on Environment and Development, 5/ adopted at the United Nations Conference on Environment and Development at Rio de Janeiro on 14 June 1992, in particular its principle 24, and other relevant decisions of the Conference,

Expressing its appreciation for the report of the Secretary-General submitted pursuant to General Assembly decision 46/417 of 9 December 1991, 6/

Welcoming the activities of the International Committee of the Red Cross in this field, including plans to continue its consultation of experts with an enlarged basis of participation and its readiness to prepare a handbook of model guidelines for military manuals,

1. Urges States to take all measures to ensure compliance with the existing international law applicable to the protection of the environment in times of armed conflict;

2. Appeals to all States that have not yet done so to consider becoming parties to the relevant international conventions;

3. Further urges States to take steps to incorporate the provisions of international law applicable to the protection of the environment into their military manuals and to ensure that they are effectively disseminated;

4. Requests the Secretary-General to invite the International Committee of the Red Cross to report on activities undertaken by the Committee and other relevant bodies with regard to the protection of the environment in times of armed conflict, and to submit a report to the General Assembly at its forty-eighth session, under the item entitled "United Nations Decade of International Law", on activities reported by the Committee.

5/ See Report of the United Nations Conference on Environment and Development, Rio de Janiero, 3-16 June 1992 (A/CONF.151/26 (Vol. I)), chap. I.

6/ A/47/328.